

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 923**

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**Introduced by Assembly Member Swanson**

February 26, 2009

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An act to amend Section 1808.4 of the Vehicle Code, relating to the Department of Motor Vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 923, as amended, Swanson. Department of Motor Vehicles: public records: addresses.

(1) Existing law makes confidential the home address of a list of local, state, and federal officers or employees, and the spouses or children of those officers or employees, that appears in a record of the Department of Motor Vehicles, if the included person requests it to be kept confidential, with certain exemptions for information available to specified governmental agencies and certain attorneys. A violation of the confidentiality requirement is a crime.

This bill would add to that list a veterinarian employed by a zoo, a public animal control agency shelter, or a society for the prevention of cruelty to animals shelter or a humane society shelter contracting with a local public agency for animal care or protection services. The bill also would add constitutional officers of the State Board of Equalization and specified local government code enforcement officers to that list. The bill, by adding persons to be covered by those confidentiality requirements, would expand the scope of a crime, thereby imposing a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1808.4 of the Vehicle Code is amended  
2 to read:

3 1808.4. (a) For all of the following persons, his or her home  
4 address that appears in a record of the department is confidential  
5 if the person requests the confidentiality of that information:

6 (1) Attorney General.

7 (2) State public defender.

8 (3) A Member of the Legislature.

9 (4) A judge or court commissioner.

10 (5) A district attorney.

11 (6) A public defender.

12 (7) A constitutional officer of the State Board of Equalization.

13 (8) An attorney employed by the Department of Justice, the  
14 office of the State Public Defender, or a county office of the district  
15 attorney or public defender.

16 (9) A city attorney and an attorney who submits verification  
17 from his or her public employer that the attorney represents the  
18 city in matters that routinely place the attorney in personal contact  
19 with persons under investigation for, charged with, or convicted  
20 of, committing criminal acts, if that attorney is employed by a city  
21 attorney.

22 (10) A nonsworn police dispatcher.

23 (11) A child abuse investigator or social worker, working in  
24 child protective services within a social services department.

25 (12) An active or retired peace officer, as defined in Chapter  
26 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal  
27 Code.

28 (13) An employee of the Department of Corrections and  
29 Rehabilitation, Division of Juvenile Facilities, or the Prison

1 Industry Authority specified in Sections 20403 and 20405 of the  
2 Government Code.

3 (14) A nonsworn employee of a city police department, a county  
4 sheriff's office, the Department of the California Highway Patrol,  
5 a federal, state, or local detention facility, or a local juvenile hall,  
6 camp, ranch, or home, who submits agency verification that, in  
7 the normal course of his or her employment, he or she controls or  
8 supervises inmates or is required to have a prisoner in his or her  
9 care or custody.

10 (15) A county counsel assigned to child abuse cases.

11 (16) An investigator employed by the Department of Justice, a  
12 county district attorney, or a county public defender.

13 (17) A member of a city council.

14 (18) A member of a board of supervisors.

15 (19) A federal prosecutor, criminal investigator, or National  
16 Park Service Ranger working in this state.

17 (20) An active or retired city enforcement officer engaged in  
18 the enforcement of the Vehicle Code or municipal parking  
19 ordinances.

20 (21) An employee of a trial court.

21 (22) A psychiatric social worker employed by a county.

22 (23) A police or sheriff department employee designated by the  
23 Chief of Police of the department or the sheriff of the county as  
24 being in a sensitive position. A designation pursuant to this  
25 paragraph shall, for purposes of this section, remain in effect for  
26 three years subject to additional designations that, for purposes of  
27 this section, shall remain in effect for additional three-year periods.

28 (24) A state employee in one of the following classifications:

29 (A) Licensing Registration Examiner, Department of Motor  
30 Vehicles.

31 (B) Motor Carrier Specialist 1, California Highway Patrol.

32 (C) Museum Security Officer and Supervising Museum Security  
33 Officer.

34 (25) (A) A veterinarian employed by a zoo, a public animal  
35 control agency shelter, or a society for the prevention of cruelty  
36 to animals shelter or a humane society shelter contracting with a  
37 local public agency for animal care or protection services.

38 (B) For purposes of this paragraph, "veterinarian" means a  
39 person licensed as a veterinarian pursuant to the Veterinary

1 Medicine Practice Act (Chapter 11 (commencing with Section  
2 4800) of Division 2 of the Business and Professions Code).

3 (C) For purposes of this paragraph, “zoo” has the same meaning  
4 as defined in Section 2150 of the Fish and Game Code.

5 (26) (A) A code enforcement officer employed by a local  
6 government agency.

7 (B) For purposes of this paragraph, “code enforcement officer”  
8 means a local official responsible for enforcing housing codes and  
9 maintaining public safety in buildings, *and a public health officer*  
10 *with the authority to arrest pursuant to Section 836.5 of the Penal*  
11 *Code.*

12 (27) (A) The spouse or child of a person listed in paragraphs  
13 (1) to (26), inclusive, regardless of the spouse’s or child’s place  
14 of residence.

15 (B) The surviving spouse or child of a peace officer, as defined  
16 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part  
17 2 of the Penal Code, if the peace officer died in the line of duty.

18 (b) The confidential home address of a person listed in  
19 subdivision (a) shall not be disclosed, except to any of the  
20 following:

21 (1) A court.

22 (2) A law enforcement agency.

23 (3) The State Board of Equalization.

24 (4) An attorney in a civil or criminal action that demonstrates  
25 to a court the need for the home address, if the disclosure is made  
26 pursuant to a subpoena.

27 (5) A governmental agency to which, under any provision of  
28 law, information is required to be furnished from records  
29 maintained by the department.

30 (c) (1) A record of the department containing a confidential  
31 home address shall be open to public inspection, as provided in  
32 Section 1808 if the address is completely obliterated or otherwise  
33 removed from the record.

34 (2) Following termination of office or employment, a  
35 confidential home address shall be withheld from public inspection  
36 for three years, unless the termination is the result of conviction  
37 of a criminal offense. If the termination or separation is the result  
38 of the filing of a criminal complaint, a confidential home address  
39 shall be withheld from public inspection during the time in which  
40 the terminated individual may file an appeal from termination,

1 while an appeal from termination is ongoing, and until the appeal  
2 process is exhausted, after which confidentiality shall be at the  
3 discretion of the employing agency if the termination or separation  
4 is upheld. Upon reinstatement to an office or employment, the  
5 protections of this section are available.

6 (3) With respect to a retired peace officer, his or her home  
7 address shall be withheld from public inspection permanently upon  
8 request of confidentiality at the time the information would  
9 otherwise be opened. The home address of the surviving spouse  
10 or child listed in subparagraph (B) of paragraph (27) of subdivision  
11 (a) shall be withheld from public inspection for three years  
12 following the death of the peace officer.

13 (4) The department shall inform a person who requests a  
14 confidential home address what agency the individual whose  
15 address was requested is employed by or the court at which the  
16 judge or court commissioner presides.

17 (d) A violation of subdivision (a) by the disclosure of the  
18 confidential home address of a peace officer, as specified in  
19 paragraph (12) of subdivision (a), a nonsworn employee of a city  
20 police department or county sheriff's office, or the spouses or  
21 children of these persons, including, but not limited to, the  
22 surviving spouse or child listed in subparagraph (B) of paragraph  
23 (27) of subdivision (a), that results in bodily injury to the peace  
24 officer, employee of the city police department or county sheriff's  
25 office, or the spouses or children of these persons is a felony.

26 SEC. 2. No reimbursement is required by this act pursuant to  
27 Section 6 of Article XIII B of the California Constitution because  
28 the only costs that may be incurred by a local agency or school  
29 district will be incurred because this act creates a new crime or  
30 infraction, eliminates a crime or infraction, or changes the penalty  
31 for a crime or infraction, within the meaning of Section 17556 of  
32 the Government Code, or changes the definition of a crime within  
33 the meaning of Section 6 of Article XIII B of the California  
34 Constitution.